

Introduced by Senator Hueso

February 20, 2014

An act to amend Sections 17980, 116125, 116130, 116135, 116140, and 116145 of the Health and Safety Code, relating to vector control.

LEGISLATIVE COUNSEL'S DIGEST

SB 1167, as introduced, Hueso. Vector control: rodents.

(1) Existing law requires a person who possesses a place that is infested with rodents to immediately proceed and continue in good faith to exterminate and destroy the rodents. Existing law authorizes the State Department of Public Health, a county board of supervisors, or a governing board of a city to take specified actions, including purchasing poison, traps, and other materials, for the purpose of exterminating and destroying rodents.

This bill instead would require that the rodents be eliminated and that remedial measures be taken to eliminate contributing conditions. The bill would authorize the department, the county board of supervisors, and the governing body of a city to take specified actions, including purchasing materials, to eliminate rodents and remediate contributing conditions.

(2) Existing law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the State Building Standards Code and other housing standards. Existing law provides various methods of remediating building code and safety violations, including repair, rehabilitation, vacation, or demolition of the building.

This bill would require, where the enforcement agency determines that the building is substandard due to an infestation, as specified, that the agency order the owner of the building to remediate conditions

contributing to the infestation. The bill would also require that a proscribed notice be given to affected tenants when eradication is required. By requiring local building departments to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17980 of the Health and Safety Code is
2 amended to read:
3 17980. (a) If ~~any~~ a building is constructed, altered, converted,
4 or maintained in violation of any provision of, or in violation of
5 any order or notice that gives a reasonable time to correct that
6 violation issued by an enforcement agency pursuant to this part,
7 the building standards published in the California Building
8 Standards Code, or other rules and regulations adopted pursuant
9 to this part, or if a nuisance exists in ~~any~~ a building or upon the
10 lot on which it is situated, the enforcement agency shall, after 30
11 days' notice to abate the nuisance or violation, or a notice to abate
12 with a shorter period of time if deemed necessary by the
13 enforcement agency to prevent or remedy an immediate threat to
14 the health and safety of the public or occupants of the structure,
15 institute ~~any~~ appropriate action or proceeding to prevent, restrain,
16 correct, or abate the violation or nuisance. Notwithstanding the
17 above, if a person has purchased and is in the process of diligently
18 abating any violation at a residential property that had been
19 foreclosed on or after January 1, 2008, an enforcement agency
20 shall not commence ~~any~~ an action or proceeding until at least 60
21 days after the person takes title to the property, unless a shorter
22 period of time is deemed necessary by the enforcement agency,
23 in its sole discretion, to prevent or remedy an immediate threat to

1 the health and safety of the neighboring community, public, or
2 occupants of the structure.

3 (b) If ~~any~~ *an* entity releases a lien securing a deed of trust or
4 mortgage on a property for which a notice of pendency of action,
5 as defined in Section 405.2 of the Code of Civil Procedure, has
6 been recorded against the property by an enforcement agency
7 pursuant to subdivision (a) of Section 17985 of the Health and
8 Safety Code or Section 405.7 or 405.20 of the Code of Civil
9 Procedure, it shall notify in writing the enforcement agency that
10 issued the order or notice within 30 days of releasing the lien.

11 (c) (1) Whenever the enforcement agency has inspected or
12 caused to be inspected ~~any~~ *a* building and has determined that the
13 building is a substandard building or a building described in Section
14 17920.10, the enforcement agency shall commence proceedings
15 to abate the violation by repair, rehabilitation, vacation, or
16 demolition of the building. The enforcement agency shall not
17 require the vacating of a residential building unless it concurrently
18 requires expeditious demolition or repair to comply with this part,
19 the building standards published in the California Building
20 Standards Code, or other rules and regulations adopted pursuant
21 to this part. The owner shall have the choice of repairing or
22 demolishing. However, if the owner chooses to repair, the
23 enforcement agency shall require that the building be brought into
24 compliance according to a reasonable and feasible schedule for
25 expeditious repair. The enforcement agency may require vacation
26 and demolition or may itself vacate the building, repair, demolish,
27 or institute any other appropriate action or proceeding, if any of
28 the following occur:

29 (A) The repair work is not done within the period required by
30 the notice.

31 (B) The owner does not make a timely choice of repair or
32 demolition.

33 (C) The owner selects an option which cannot be completed
34 within a reasonable period of time, as determined by the
35 enforcement agency, for any reason, including, but not limited to,
36 an outstanding judicial or administrative order.

37 (2) In deciding whether to require vacation of the building or
38 to repair as necessary, the enforcement agency shall give preference
39 to the repair of the building whenever it is economically feasible
40 to do so without having to repair more than 75 percent of the

1 dwelling, as determined by the enforcement agency, and shall give
2 full consideration to the needs for housing as expressed in the local
3 jurisdiction's housing element.

4 (d) (1) Notwithstanding subdivision (c) and notwithstanding
5 local ordinances, tenants in a residential building shall be provided
6 copies of any of the following:

7 (A) The notice of ~~any~~ a violation described in subdivision (a)
8 that affects the health and safety of the occupants and that causes
9 the building to be substandard pursuant to Section 17920.3 or in
10 violation of Section 17920.10.

11 (B) An order of the code enforcement agency issued after
12 inspection of the premises declaring the dwelling to be in violation
13 of ~~any~~ a provision described in subdivision (a).

14 (C) The enforcement agency's decision to repair or demolish.

15 (D) The issuance of a building or demolition permit following
16 the abatement order of an enforcement agency.

17 (2) Each document provided pursuant to paragraph (1) shall be
18 provided to each affected residential unit by the enforcement
19 agency that issued the order or notice, in the manner prescribed
20 by subdivision (a) of Section 17980.6.

21 (e) All notices issued by the enforcement agency to correct
22 violations or to abate nuisances shall contain a provision notifying
23 the owner that, in accordance with Sections 17274 and 24436.5
24 of the Revenue and Taxation Code, a tax deduction may not be
25 allowed for interest, taxes, depreciation, or amortization paid or
26 incurred in the taxable year.

27 (f) The enforcement agency may charge the owner of the
28 building for its postage or mileage cost for sending or posting the
29 notices required to be given by this section.

30 (g) *Where the enforcement agency determines that the building*
31 *is substandard due to an infestation pursuant to paragraph (12)*
32 *of subdivision (a) of Section 17920.3 or Section 116125, in addition*
33 *to any orders pursuant to this part, the agency shall order that the*
34 *owner of the building remediate conditions contributing to the*
35 *infestation, including substandard characteristics pursuant to*
36 *subdivision (a) of Section 1941.1 of the Civil Code.*

37 (h) *Where an order requires eradication of an infestation, the*
38 *order shall be accompanied by a written notice to the affected*
39 *tenant that contains, in nontechnical language and in a clear and*
40 *coherent manner, the following statements and information:*

1 (1) *The pest to be controlled.*

2 (2) *The pesticide product proposed to be used.*

3 (3) *The telephone number of the local poison control center*
4 *immediately following this statement:*

5
6 *“If within 24 hours following application you experience*
7 *symptoms similar to common seasonal illness, including symptoms*
8 *comparable to influenza, you should contact your physician or*
9 *poison control center.”*

10
11 SEC. 2. Section 116125 of the Health and Safety Code is
12 amended to read:

13 116125. Every person possessing ~~any~~ a place that is infested
14 with rodents, as soon as their presence comes to his or her
15 knowledge, shall at once proceed and continue in good faith to
16 endeavor to ~~exterminate and destroy the rodents, by poisoning,~~
17 ~~trapping, and other appropriate means~~ *eliminate the rodents and*
18 *remediate conditions contributing to infestation, including*
19 *substandard characteristics pursuant to subdivision (a) of Section*
20 *1941.1 of the Civil Code.*

21 SEC. 3. Section 116130 of the Health and Safety Code is
22 amended to read:

23 116130. The department, the board of supervisors of each
24 county, local health officers, or inspectors appointed by any of
25 them, as provided in this article and Chapter 3 (commencing with
26 Section 116250), may inspect ~~all places~~ *a place* for the purpose
27 of ascertaining whether ~~they are~~ *it is* infested with rodents and
28 whether the requirements of this article and Chapter 3
29 (commencing with Section 116250) as to ~~their extermination and~~
30 ~~destruction~~ *the elimination of the rodents and the remediation of*
31 *contributing conditions* are being complied with. However, no
32 building occupied as a dwelling, hotel, or rooming house, shall be
33 entered for inspection purposes except between the hours of 9 a.m.,
34 and 5 p.m.

35 SEC. 4. Section 116135 of the Health and Safety Code is
36 amended to read:

37 116135. The board of supervisors of each county and the
38 governing body of each city, whenever it may by resolution
39 determine that it is necessary for the preservation of the public
40 health or to prevent the spread of contagious or infectious disease,

1 communicable to mankind, or when it determines that it is
2 necessary to prevent great and irreparable damage to crops or other
3 property, may appropriate money for the purchase of, and may
4 purchase, ~~poison, traps, and other~~ materials for the purpose of
5 ~~exterminating and destroying~~ *eliminating rodents and remediating*
6 *contributing conditions* in that county or city, and may employ
7 and pay inspectors, who shall prosecute the work of ~~extermination~~
8 ~~and destruction~~ *elimination and remediation* on both private and
9 public property in the county or city.

10 SEC. 5. Section 116140 of the Health and Safety Code is
11 amended to read:

12 116140. Whenever ~~any~~ *a* person possessing ~~any~~ *a* place that
13 is infested with rodents, fails, neglects, or refuses to proceed and
14 to continue to endeavor to ~~exterminate and destroy~~ *eliminate* the
15 rodents *and remediate the contributing conditions*, as required in
16 this article and Chapter 3 (commencing with Section 116250), the
17 department and its inspectors, the county board of supervisors and
18 its inspectors, and the local health officer, shall at once cause the
19 rodents to be ~~exterminated and destroyed~~ *eliminated and*
20 *contributing conditions to be remedied*.

21 SEC. 6. Section 116145 of the Health and Safety Code is
22 amended to read:

23 116145. The expense of ~~exterminating and destroying~~
24 *eliminating* the rodents *and remediating contributing conditions*
25 is a charge against the county or city in which the work is done,
26 and the board of supervisors or other governing body shall allow
27 and pay it.

28 SEC. 7. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.